IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

Writ Petition No.1852 of 2007

(Sudhakar s/o Atmaram Nanhe v. Municipal Commissioner, Nagpur and others)

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Office Notes, Memoranda of Coram, appearances, Court's orders or directions : Court's or Judge's orders and Registrar's orders.

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Shri M.V. Mohokar, Advocate for Petitioner.
Shri M.V. Samarth, Advocate for R- 1 and 2.
Shri P.D. Kothari, AGP for R- 3.
Shri S.V. Bhutada, Advocate for R- 4.

CORAM : D.K. Deshmukh & R.C. Chavan, JJ.
DATE : 20 th September, 2007

By this petition, the petitioner challenges the order of the Caste Scrutiny Committee, by which the caste validity certificate of respondent No.4 certifying that respondent No.4 belongs to N.T.(C) category has been held to be valid.

The petitioner claims that he has locus to challenge the caste validity certificate of respondent No.4, because there is a post of Sub Officer, Fire Brigade vacant in the Nagpur Municipal Corporation, which is to be filled in by promotion from the candidates belonging to N.T.(B) category and that the petitioner belongs to that category. The petitioner further claims that if respondent No.4 is considered for that post, the chances of promotion of the petitioner will be adversely affected.

The learned Advocate appearing for respondent Nagpur Municipal Corporation states, on the basis of the documents produced

before us, that the post in question is to be filled in by promotion from N.T.(C) category.

As the petitioner belongs to N.T.(B) category, there is no question of petitioner being considered for that post. On the contrary, respondent No.4 belongs to N.T.(C) category. It clear that the petitioner is not to be considered for promotion to the post in question. Therefore, the petitioner has no locus to challenge the impugned order in relation to caste validity certificate of respondent No.4.

The petition is dismissed.

JUDGE JUDGE

pdl